

1 BARRY J. PORTMAN  
Federal Public Defender  
2 ELIZABETH M. FALK  
Assistant Federal Public Defender  
3 19th Floor Federal Building – Box 36106  
450 Golden Gate Avenue  
4 San Francisco, CA 94102  
Telephone: (415) 436-7700  
5  
6 Counsel for Defendant BANKS  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-05-00126-CRB
	)	
12 Plaintiff,	)	MOTION AND <del>PROPOSED</del> ORDER
	)	FOR PRETRIAL RELEASE OF
13 vs.	)	DEFENDANT EDESEL BANKS TO HAVE
	)	SURGERY PERFORMED
14 EDESEL BANKS,	)	
	)	Date: October 7, 2005
15 Defendant.	)	Time: 2:00 p.m.
	)	Court: The Honorable Charles R. Breyer

16

17 Defendant Edsel Banks hereby respectfully requests this Court to calendar a hearing on  
18 Friday, October 7, 2005 at 2:00 p.m. before The Honorable Charles R. Breyer to discuss the  
19 possibility of having surgery performed on his broken foot prior to serving his sentence and  
20 permitting him to be released from the Santa Rita jail for the surgery. The surgery is scheduled  
21 for October 17, 2005 at San Francisco General Hospital at 1001 Potrero Street, San Francisco,  
22 California. The surgery will be performed by Robert Franklin, M. D., whose office is located at  
23 2401 Keith Street, San Francisco, California. Telephone number of (415) 671-7000.

24 Government counsel, Monica Fernandez has been contacted and has no objection to the  
25 request for hearing.

26 //

1 I hereby attest that I have on file the holograph signature for any signature indicated by  
2 "conformed" signature (/S/) within this e-filed document.

3 Dated: 10/6/2005

4 Respectfully submitted,

5 BARRY J. PORTMAN  
6 Federal Public Defender

7 /S/

8 ELIZABETH M. FALK  
9 Assistant Federal Public Defender

10 ORDER

11  
12 For good cause, the Court hereby Orders that a hearing be calendared for Friday,  
13 October 7, 2005 at 2:00 p.m.

14 Dated: October 6, 2005

15  
16 THE HONORABLE  
17 UNITED STATES

